

BILL NO. 94-37

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 94-37

Introduced by Council President Wilson at the request of the County Executive

Legislative Day No. 94-13 Date May 3, 1994

AN ACT to repeal and reenact Subsection c, and to repeal Subsection d of Section 4.051, Improvements, of Section IV, Requirements for the Subdivision of Land, of the Subdivision Regulations for Harford County, Maryland; to modify the requirement for road frontage improvements in connection with the development of land; and to repeal the requirement for off-site road improvements or fees in connection with the development of land.

By the Council, May 3, 1994

Introduced, read first time, ordered posted and public hearing scheduled

on: June 7, 1994

at: 6:00 p.m.

By Order: James D. Vannoy, Acting Secretary

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 7, 1994, and concluded on, June 7, 1994.

James D. Vannoy, Acting Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. 94-37



1 Section 1. Be It Enacted By the County Council of Harford County that Subsection c be, and  
2 is hereby repealed and reenacted, with amendments, and that Subsection d be, and is hereby  
3 repealed, all of Section 4.051, Improvements, of Section IV, Requirements for the Subdivision of  
4 Land, of the Subdivision Regulations for Harford County, Maryland, all to read as follows:

5 **Subdivision Regulations**

6 § 4.051 **Improvements.**

7 c. Frontage improvements.

8 1. Proposed developments, including residential, business, industrial or  
9 institutional developments or subdivisions to be constructed along existing County roadways [not  
10 meeting County road standards for existing or contemplated traffic demands] will be required to  
11 improve [one half (1/2) of the] County [roadway] ROADWAYS along their property [to required  
12 County road standards] IN ORDER TO PROVIDE SAFE INGRESS AND EGRESS TO THE SITE  
13 AND TO MITIGATE THE IMPACT OF THAT DEVELOPMENT.

14 2. Frontage improvements [are] MAY BE required when a parcel of land is  
15 subdivided or developed for purposes of creating:

- 16 (a) any business, industrial or institutional use;  
17 (b) any residential use for more than five (5) dwelling units; or  
18 (c) any transient housing use with more than five (5) guest rooms.

19 3. THE EXTENT OF THE ROAD IMPROVEMENTS REQUIRED  
20 PURSUANT TO THIS SECTION SHALL BE DETERMINED BY THE DEPARTMENT OF  
21 PLANNING AND ZONING WITH THE CONCURRENCE OF THE DEPARTMENT OF PUBLIC  
22 WORKS AT THE TIME OF PRELIMINARY PLAN APPROVAL.

23 4. CONSTRUCTION OF ROAD IMPROVEMENTS SHALL BE REQUIRED  
24 OF A PROPERTY OWNER PURSUANT TO THIS SECTION, IF 1 OR MORE OF THE  
25 FOLLOWING IS APPLICABLE:

26 (A) THE ADDITIONAL TRAFFIC TO BE PLACED ON THE  
27 ROADWAY IS DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT AND  
28 NECESSITATES ADDITIONAL IMPROVEMENTS TO THE ROAD;

(B) THE PRESENT ROAD CONDITION IS NOT ADEQUATE TO  
HANDLE THE TRAFFIC TO BE GENERATED BY THE PROPOSED DEVELOPMENT; OR

(C) THE ROAD IMPROVEMENTS WOULD OTHERWISE BENEFIT  
THE SUBDIVISION AND ARE RELATED TO THE PROTECTION OF THE HEALTH, SAFETY  
AND GENERAL WELFARE OF THE RESIDENTS OF THE SUBDIVISION.

[d. Off-site improvements.

1. In addition to the requirements of subsection 4.051a., this subsection applies  
when a parcel of land, as described in the land records of Harford County on the effective date of  
this legislation is subdivided or developed for purposes of creating:

(a) any subdivision/development of twenty-five (25) or more dwelling  
units;

(b) any transient housing use under the category of "transient housing",  
with more than twenty-five (25) guest rooms, or

(c) any business or industrial use which will generate more than two  
hundred forty-nine (249) trips per day based on Institute of Transportation Engineers Trip Generation  
Manual (ITE).

2. Upon submission of a preliminary plan by the subdivider/developer, Harford  
County will prepare, or cause to have prepared, a traffic impact study. The traffic impact study shall  
be the basis for identifying the adequacy of transportation services for the subject development and  
the improvements required under this section.

(a) Traffic Impact Study. The study shall be performed on the access road  
to the proposed development from the nearest state road. Existing traffic conditions, new trips  
generated by the development, and geometric characteristics of the roadway will be collected and  
analyzed for meeting County adequacy standards as defined herein.

(1) Adequacy standards. Roadway adequacy standards shall be  
defined as meeting a minimum of:

(i) Intersections — level of service (LOS) D as it defined

1 in the 1985 Highway Capacity Manual (HCM) published by the Transportation Research Board, and  
 2 (ii) Road Segments — including, but not limited to, design  
 3 speed, site distance, and cross section standards as described in the Harford County Road Code for  
 4 the classification of the road the development is accessing.

5 (b) After completion of the traffic impact study if it is found that road  
 6 improvements will be required, the applicant shall send written notice of the plan to each person who  
 7 owns property fronting on the access road as defined in Section 4.051(d) between the proposed  
 8 development and the state road used to determine the area of the traffic study.

9 3. Improvements. If the study indicates that the access road does not meet the  
 10 minimum adequacy standards of Paragraph (2) of this subsection, the subdivider shall improve the  
 11 road to minimum adequacy standards or pay the County a road improvement fee in accordance with  
 12 the formula:

$$13 \text{ Fee} = \text{TDS divided by (TDS \& CTD)} \times \text{Cost.}$$

14 Where:

15 TDS = Trips per day generated on the access road by the proposed  
 16 subdivision

17 CTD = Current trips per day on the access road

18 Cost = The cost required to improve the access road to the minimum  
 19 adequacy standards.

20 The subdivider shall choose whether to improve the road or pay the road  
 21 improvement fee, and any fees paid to the County under the formula shall be paid into a designated  
 22 road improvement project.]

23 Section 2. And Be It Further Enacted that any development that has preliminary plan approval  
 24 prior to the effective date of this Act that requires the developer/owner to construct off-site road  
 25 improvements or pay the fee for off-site improvements pursuant to § 4.051(d) of the Subdivision  
 26 regulations shall be required to comply with the terms of that preliminary plan approval  
 27 notwithstanding this Act.

1 Section 3. And Be It Further Enacted that this Act shall take effect sixty (60) calendar days from  
2 the date it becomes law.

EFFECTIVE: September 19, 1994

*The Secretary of the Council does hereby  
certify that fifteen (15) copies of this Bill  
are immediately available for distribution to  
the public and the press.*

*James D. Vannoy*  
\_\_\_\_\_  
Acting Secretary

HARFORD COUNTY BILL NO. 94-37(Brief Title) Adequate Public Facilities-Roads-  
Subdivision Regulations

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Vannoy  
Acting Secretary  
of the CouncilRay C. Cato  
President of the CouncilDate July 7, 1994Date July 7, 1994

BY THE COUNCIL

Read the third time.

Passed: LSD 94-21 (July 7, 1994)

Failed of Passage: \_\_\_\_\_

By Order

James D. Vannoy  
Acting SecretarySealed with the County Seal and presented to the County Executive for approval this 11th day of July, 1994 at 3:00 p. m.James D. Vannoy  
Acting Secretary

BY THE EXECUTIVE

Edwin M. Redmann  
COUNTY EXECUTIVEAPPROVED: Date July 19, 1994

BY THE COUNCIL

This Bill (No. 94-37), having been approved by the Executive and returned to the Council, becomes law on July 19, 1994.

James D. Vannoy  
Acting Secretary

EFFECTIVE DATE: September 19, 1994